

SPECIAL ORDER  
ENTRY RESTRICTIONS – RECREATION CABIN STRUCTURE  
BLACK HILLS NATIONAL FOREST

Pursuant to 16 U.S.C. 551, and 36 CFR § 261.50(a), the following acts are prohibited in the area occupied by the former Mattson recreation cabin, on National Forest System lands administered by the Black Hills National Forest, Northern Hills Ranger District, Lawrence County, South Dakota (the “restricted area”). The Order shall be in effect immediately upon approval.

The restricted area (1 acres) formerly known as the Mattson recreation cabin is located in NW ¼ of Section 20, T.3N., R.3E. The access to this cabin is off Forest Highway 17 along National Forest System Road 206.1; this intersection of FH17 and NFSR 206.1 is approximately seven miles North of Rochford. The above said location is depicted on the attached map, hereby incorporated into the Order as Exhibit A.

PROHIBITIONS:

Going into or being upon the restricted area, and any structure or improvement associated with the former Mattson recreation cabin, including, but not limited to the cabin, shed, and any other accessory structures (36 CFR § 261.53(e) and (f)).

EXEMPTIONS:

Pursuant to 36 CFR § 261.50(e), the following persons are exempt from this Order:

1. Any Federal, State, or local official, or member of an organized rescue or firefighting force, when involved in the performance of an official duty.
2. Persons with a Forest Service permit specifically authorizing the otherwise prohibited act or omission.

The purpose of this Order is to assure the protection of public safety, public and private property, and natural resources during sale of improvements or removal of improvements at the former Mattson recreation cabin.

This Order will be in effect when signed and shall remain in effect year-round until either improvements are sold and a new authorization is issued, the improvements are removed and the site is reclaimed, or December 31, 2011, whichever event occurs first.

Done at Custer, South Dakota, this 4<sup>th</sup> day of November 2009.

/s/ Craig Bobzien  
Craig Bobzien  
Forest Supervisor  
Black Hills National Forest

Pursuant to 16 U.S.C. § Section 551 and 18 U.S.C. §§ Sections 3559 and 3571, violation of these prohibitions is punishable by a fine of not more than \$5000 for an individual or \$10,000 for a corporation, or imprisonment for not more than six months, or both.

## Management Objectives

*(Include narrative statement of the management objectives associated with this Special Order).*

1. To insure the protection of public safety, public and private property, and natural resources during sale of improvements or removal of improvements at the former Mattson recreation cabin.

## SUBPART B

### ORDER REQUEST JUSTIFICATION FORM

ORDER NUMBER: BKF-104-2009

#### SUBMIT THE FOLLOWING INFORMATION:

2. STATE THE DESIRED ACT: Closure of the Mattson recreation residence and all associated improvements to entry by the public.
3. REASON FOR THE ORDER: To assure the protection of public safety, public and private property, and natural resources during sale of improvements or removal of improvements at the former Mattson recreation cabin.
4. HAVE OTHER METHODS BEEN TRIED TO RESOLVE THIS PROBLEM? **(Yes)**  
Repeated attempts were made to contact the permit holder to inform them that the deterioration of their improvements is a liability to public health and safety and is in violation of their permit.
5. PERIOD OF TIME THE ORDER WILL BE IN EFFECT: Year-round until improvements are sold and a new authorization is issued, the improvements are removed and the site is reclaimed, or December 31, 2011, whichever event occurs first.
6. LIST THOSE EXEMPT FROM THE ORDER:
  - Any Federal, State, or local official, or member of an organized rescue or firefighting force, when involved in the performance of an official duty.
  - Persons with a Forest Service permit specifically authorizing the otherwise prohibited act or omission.
7. HAS AN ENFORCEMENT PLAN AND SIGN PLAN BEEN ESTABLISHED? **(Yes)**
  - WHO WILL ENFORCE THE ORDER? Enforcement will be done by Forest Law Enforcement and Northern Hills Ranger District Recreation/Lands program staff and Forest Protection Officers.
  - WHO WILL ENSURE PROPER SIGNING? Signing will be implemented and maintained by the Northern Hills Ranger District Recreation/Lands program staff
8. WILL THIS ORDER BE REVIEWED ANNUALLY FOR NEED AND PROPER ENFORCEMENT? **(Yes).**
9. HAS THE PUBLIC BEEN NOTIFIED?
  - DESCRIBE HOW: The public will be notified by the posting of the closure on-site, and by a press release through Public Affairs. Public entry is not normally allowed into the privately owned improvements of a permitted recreation residence, and access to public Forest Service lands is not necessary by entry through the restricted area.
10. COMPLETE THE ORDER USING THIS CHECKLIST.

When complete, forward the original request to the Supervisor's Office, Attention: Supervisory Law Enforcement Officer. The request will be routed to the appropriate Staff Officer, Public Information Officer, and Forest Supervisor.

***Recommended: /s/ Eric Flood***  
Eric Flood, District Recreation/Lands Staff Officer

***10/29/2009***  
Date

***Reviewed: /s/ Rhonda O'Byrne***  
District Ranger, Northern Hills

***11/03/2009***  
Date

***Reviewed:***  
Office of General Counsel, Regional Office

Date

***Reviewed: /s/ TJ Friend***  
District Law Enforcement Officer

***11-3-2009***  
Date

***Reviewed: /s/ Nancy Martinz***  
North Zone Patrol Captain

***11-3-2009***  
Date

***Reviewed:***  
Office of General Counsel

Date

***Reviewed: /s/ Franklin O. Carroll***  
Public Information Officer

***11-3-2009***  
Date

***Reviewed: /s/ Claudia Hill***  
Forest Staff Officer

***11-3-2009***  
Date